



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)Nos.20710 and 20711 of 2016

and

W.M.P(MD)Nos.14802 and 14803 of 2016

P.Balachandran

... Petitioner in W.P.20710/16

P.Selvam

... Petitioner in W.P.20711/16

vs.

1)The Managing Director,
Tamil Nadu State Marketing Corporation (TASMAC),
4th Floor, CMDA Tower II,
Gandhi Irvin Bridge Road,
Egmore, Chennai-08.

2)The Senior Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Madurai Region,
Plot No.100, Anna Nagar,
Madurai-20.

3)The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Madurai South,
Kappalur, Madurai.

4)The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Madurai North,
Manalur, Madurai District.

... Respondents in both Wps.

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to prepare the single list of Supervisors, those who are working under the control of the 3rd and 4th respondents, as per their original date of appointments and thereby appoint and post the petitioners as Shop Supervisor by considering the representations given by the petitioners dated (i)21.07.2016, 06.09.2016, 20.09.2016 and 22.10.2016 and (ii)18.06.2016, 03.09.2016 and 22.10.2016 respectively within the period stipulated by this Hon'ble Court.



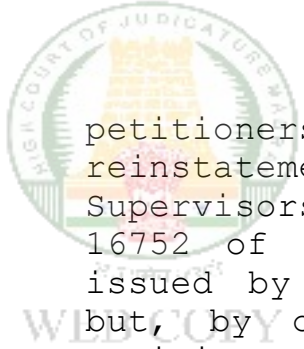
For Petitioner(in both Wps) : Mr.N.Sathish Babu
For Respondents(in both Wps) : Mr.M.Muniasamy

COMMON ORDER

The petitioner in W.P(MD)No.20710 of 2016 joined duty as Supervisor in the Tamil Nadu State Marketing Corporation, (TASMAC) in the year 2003; presently, he is working as Supervisor in TASMAC Shop No. 5288, Usilampatti, Madurai District; on 05.11.2014, the then District Manager, Madurai South, suspended the petitioner from service, alleging that he had given wrong details of Accounts through SMS and thereby caused revenue loss to department; challenging the abovesaid suspension order, the petitioner filed W.P.(MD)No. 18115 of 2014 and this Court directed the respondent therein, to complete the disciplinary proceedings within a period of three months with a further direction to decide the reinstatement of the petitioner; thereafter, the petitioner was reinstated in service on 17.01.2015 and posted as Supervisor No.II which is exclusively serving at the Bar attached with the TASMAC Shop.

2.The petitioner in W.P(MD)No.20711 of 2016 joined duty as Supervisor in the Tamil Nadu State Marketing Corporation, (TASMAC) Department in the year 2003; presently, he is working as Supervisor in TASMAC Shop No.5276, Thirumangalam Town, Madurai District; on 31.10.2014, the then District Manager, Madurai South, suspended the petitioner, alleging that he had given wrong details of Accounts through SMS and thereby caused revenue loss to the tune of Rs. 2,72,640/- and shortage of amount of Rs. 28,170/- in respect of the month August 2014; after enquiry, the enquiry officer found that no charges were proved against the petitioner; even then, the then District Manager, Madurai South, issued a show cause notice dated 23.03.2015 to the petitioner, by differing with the findings of the enquiry officer and called for an explanation within 7 days, failing which, he will be terminated from the service; challenging the abovesaid show cause notice, the petitioner filed W.P.(MD)No.5129 of 2015 and this Court, seeking to set aside the show cause notice, granting liberty to the respondents therein, to take appropriate action in accordance with law; however, the then District Manager, Madurai South, passed an order dated 08.04.2015 dismissing the petitioner from service, on the ground that he had not given any explanation to the show cause notice dated 23.03.2015; challenging the dismissal order, the petitioner filed W.P.(MD)No.5786 of 2015 and obtained an order of interim stay and by virtue of the stay order, the petitioner was reinstated and posted as Supervisor No.II/Bar Supervisor.

3.According to the petitioners, the respondents are following different yardsticks in appointing the Supervisors; normally, those who were appointed as Shop Supervisors originally, would continue as Shop Supervisors only; but in the case of the



petitioners, they were working as Shop Supervisors; after reinstatement, they were posted as Supervisor No.II/Bar Supervisors; therefore, the petitioners filed W.P(MD)Nos.16751 and 16752 of 2016, challenging the seniority list dated 01.08.2016 issued by the 3rd respondent/District Manager, TASMAL, Madurai, but, by observing that before the filing the abovesaid writ petitions, the petitioners had not made any representation/objection to the respondents, this Court dismissed the said writ petitions, with liberty to them to approach the respondents and make representations by raising objections; thereafter, the petitioners sent representation to the respondents on (i)21.07.2016, 06.09.2016, 20.09.2016 and 22.10.2016 and (ii) 18.06.2016, 03.09.2016 and 22.10.2016, respectively, raising objection to the abovesaid seniority list. As those representations have not been considered, the petitioners have filed these writ petitions, seeking direction to the respondents to prepare a single list of Supervisors, those who are working under the control of the 3rd and 4th respondents, as per their original date of appointments and thereby appoint and post the petitioners as Shop Supervisors, by considering their representations within a time frame.

4.The learned standing counsel appearing for the respondents would submit that it is agreeable for the 1st respondent to consider the abovesaid representations of the petitioners and to pass orders within a time frame.

5.Recording the above submission, these Writ Petitions are disposed of, directing the respondents to consider the representations of the petitioners dated (i)21.07.2016, 06.09.2016, 20.09.2016 and 22.10.2016 and (ii)18.06.2016, 03.09.2016 and 22.10.2016 respectively, in the light of the averments made therein, and to pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, W.M.P(MD)Nos.14802 and 14803 of 2016 are closed.

Sd/
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To

1)The Managing Director,
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4th Floor, CMDA Tower II,
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2)The Senior Regional Manager,
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Kappalur, Madurai.

4)The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Madurai North,
Manalur, Madurai District.

+2CC to M/S.N.Sathish Babu, Advocate, SR.No. 63986 & 63987

W.P(MD)Nos.20710 and 20711 of 2016
26.10.2016

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